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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,239	11/10/1999	MASAAKI HYODO	1883-32	7692

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2615

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,239

Applicant(s)

HYODO ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001 and 10 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/423,207.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,6, 7
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject-matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honjo (6,006,007) in view of Fujinami et al (5,455,685) .

Regarding claim 9 , Honjo discloses a reproducing apparatus (Figs. 3 and 4 column 2, lines 38-65) for reproducing multiplexed coded data and control data from a recording medium, the multiplexed coded data comprising coded audio-data and coded video-data and being recorded as a plurality of separate data-packs, the control data being recorded separately from the multiplexed coded data, said reproducing apparatus comprising:

a recording medium controller (4) for reading the multiplexed coded data and control data ; and a coded data control section (6) for controlling the reproducing of the multiplexed coded data by controlling the recording medium controller based on the control data: wherein the control data includes the key-frame location information (addresses of I frames) , the key-frame being at least one of an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame (Figs 1,2,4 and 5, columns 3 and 4)) or of the coded audio-data corresponding to the key-frame.

Honjo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

Fujinami teaches a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs (column 12, Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify Honjo with Fujinami by using a processing means as taught by Fujinami for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Honjo apparatus for additionally processing audio when needed .

Regarding claim 12, Honjo discloses a recording apparatus (Figs. 1 and 2, column 2, lines 1-37) for recording multiplexed coded data and control data to a recording medium, the multiplexed coded data comprising coded audio-data and coded video-data as a plurality of separate data-packs, the control data being recorded

separately from the multiplexed coded data, said recording apparatus comprising: a recording medium controller (13) for recording the multiplexed coded data and control data; and a coded data control section for controlling the recording of the control data by controlling the recording medium controller according to the multiplexed coded data; wherein the control data includes the key-frame location information, the key-frame being at least one of an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame or a head of the coded audio-data corresponding to the key-frame (Figs. 1 and 2, columns 3 and 4).

Honjo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

Fujinami teaches a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs (Fig. 13, column 12).

It would have been obvious to one of ordinary skill in the art to modify Honjo with Fujinami by using a processing means as taught by Fujinami for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Honjo apparatus for additionally processing audio when needed .

Regarding claims 10 and 13, Honjo further teaches that the key-frame location information also includes information on a head or a tail of coded video-data of the key-frame (Fig. 2).

Regarding claims 11 and 14, Honjo as modified with Fjinami further teaches that the multiplexed coded data comprises coded audio-data, coded video-data and a header added for multiplexing the coded audio data with the coded video-data and is recorded on the recording medium as separate data-pack each having the header on a head position (See Fujinami figure13, column 12 and Honjo figure 2) .

3. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togo et al (JP 40613326A) in view of the admitted prior art figures 1 and 2 and associated description in the specification pages 1-6.

Regarding claim 9 , Togo discloses a reproducing apparatus (Figs. 1, Abstract) for reproducing multiplexed coded data and control data from a recording medium (13) , the multiplexed coded data comprising coded video-data and being recorded as a plurality of separate data-packs (Figs 1-8) the control data being recorded separately from the multiplexed coded data, said reproducing apparatus comprising:

a recording medium controller (reproducing head) (14) for reading the multiplexed coded data and control data ; and a coded data control section (11) for controlling the reproducing of the multiplexed coded data by controlling the recording medium controller based on the control data: wherein the control data includes the key-frame location information (addresses of I frames) , the key-frame being at least one of

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an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame (Figs 1-8, Abstract).

Togo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

The admitted art figures 1 and 2 teaches a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs (Fig. 20).

It would have been obvious to one of ordinary skill in the art to modify Togo with the admitted prior art by using a processing means as taught by the admitted prior art for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Togo apparatus for additionally processing audio when needed .

Regarding claim 12, Togo discloses a recording apparatus (Figs. 1, Abstract) for recording multiplexed coded data and control data to a recording medium, the multiplexed coded data comprising coded video-data as a plurality of separate data-packs, the control data being recorded separately from the multiplexed coded. data, said recording apparatus comprising: a recording medium controller (13) for recording the multiplexed coded data and control data; and a coded data control section for controlling the recording of the control data by controlling the recording medium controller according to the multiplexed coded data; wherein the control data includes the key-frame location information, the key-frame being at least one of an I-frame and P-

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frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame or a head of the coded audio-data corresponding to the key-frame (Figs. 1-8, Abstract).

Togo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

The admitted prior at figure 1 and 3 a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs.

It would have been obvious to one of ordinary skill in the art to modify Honjo with Fujinami by using a processing means as taught by Fujinami for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Togo apparatus for additionally processing audio when needed .

Regarding claims 10 and 13, Togo further teaches that the key-frame location information also includes information on a head or a tail of coded video-data of the key-frame (Abstract, figures 5-8).

Regarding claims 11 and 14, Togo as modified with the admitted prior at figures 1 and 2 further teaches that the multiplexed coded data comprises coded audio-data, coded video-data and a header added for multiplexing the coded audio data with the coded video-data and is recorded on the recording medium as separate data-pack each having the header on a head position (See the admitted prior art figures 1 and 2 and Togo figures 1-8).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamagishi et al teaches apparatus for recording coded video data and control information including information indicating a position of a next GOF to be reproduced .

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


HUY NGUYEN
PRIMARY EXAMINER

H.N